

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

CAPWEALTH ADVISORS, LLC,)
Plaintiff,)
v.) No.: 3:21-cv-00036
TWIN CITY FIRE INSURANCE CO.,) Judge Eli J. Richardson
Defendant.) Magistrate Judge Barbara D. Holmes

DEFENDANT TWIN CITY FIRE INSURANCE COMPANY'S
UNOPPOSED MOTION FOR LEAVE TO ALLOW LEAD COUNSEL TO APPEAR
TELEPHONICALLY OR, IN THE ALTERNATIVE, TO ALLOW OTHER COUNSEL
OF RECORD TO ATTEND THE INITIAL CASE MANAGEMENT CONFERENCE

Defendant Twin City Fire Insurance Company ("Twin City") respectfully moves for leave to allow lead counsel to appear telephonically at the initial case management conference scheduled before Magistrate Judge Barbara D. Holmes on April 6, 2021, or in the alternative, to allow other counsel of record to attend. Twin City states as follows in support of the motion:

1. Plaintiff CapWealth Advisors, LLC ("CapWealth") filed a Complaint against Twin City on December 16, 2020 in a case captioned, *CapWealth Advisors, LLC v. Twin City Fire Insurance Company*, Case No. 20-1247-111 (Tenn. Chancery Ct. (Davidson Cty.)). Twin City removed the case to this Court on January 15, 2021. *See* Dkt. 1.

2. An initial case management conference for this case is scheduled before Magistrate Judge Barbara D. Holmes on April 6, 2021 in Courtroom 764. *See* Dkt. 4. The parties have conferred and are in the process of preparing the proposed case management order to submit to the Court in accordance with its instructions prior to the conference. *Id.*

3. Twin City is represented by attorneys at the law firm Wiley Rein LLP (“Wiley”), located in Washington, DC. Wiley Rein is acting as “lead counsel” in this case. Twin City is also represented by undersigned counsel of the law firm Lewis Thomason, located in Nashville, Tennessee.

4. Due to the pandemic and because the attorneys from Wiley who are lead counsel in this case are located out of town, Twin City respectfully requests leave to permit lead counsel to attend the initial case management conference telephonically. In the alternative, Twin City respectfully requests that, to the extent lead counsel may not appear telephonically, the Court permit undersigned counsel to attend the initial case management conference. Undersigned counsel will have access to lead counsels’ calendars for purposes of scheduling case management deadlines and selecting a target trial date.

5. Plaintiff CapWealth does not oppose the relief sought in this motion. *See* LR7.01(a)(1).

WHEREFORE, Twin City respectfully requests the Court grant this motion for leave to allow lead counsel to appear telephonically at the initial case management conference scheduled for April 6, 2021, or in the alternative, to allow other counsel of record to attend.

Respectfully submitted,

DATED: March 23, 2021

LEWIS THOMASON

/s/ Kaya Grace Porter

Kaya Grace Porter, BPR No. 035290
424 Church Street, Suite 2500
Nashville, Tennessee 37219-8615
(615) 259-1366
kporter@lewisthomason.com

And

David H. Topol
Matthew W. Beato
Ashley L. Criss
(*pro hac application filed*)
WILEY REIN LLP
1776 K Street NW
Washington, DC 20006
(202) 719-7000

Counsel for Twin City Fire Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on this the ___ day of March, 2021, a copy of the foregoing **Unopposed Motion for Leave to Allow Lead Counsel to Appear Telephonically** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Eugene N. Bulso, Esq.
Nicholas D. Bulso, Esq.
Bulso, PLC
155 Franklin Road, Suite 400
Brentwood, TN 37027

/s/ Kaya Grace Porter

Kaya Grace Porter BPR No. 035290